


C. William Briscoe, M.D., Chairman

**Summary of Proceedings
Kentucky Board of Medical Licensure
Inquiry/Hearing Panel A**

KBML Headquarters
Louisville, KY

9:30 am
February 18, 2010

Members Present

C. William Briscoe, M.D.
Boyd R. Buser, M.D.
Justice William Graves
William D. Hacker, M.D.

Members Absent

Susan Berberich, M.D.
Uday V. Dave, M.D.
Preston P. Nunnelley, M.D.
Jay A. Perman, M.D.

Staff Present

C. William Schmidt
Michael Rodman
C. Lloyd Vest, II, Esq.
Leanne Diakov, Esq.
C. Jill Lun
Latha Ummaji
Jennie Woods
Betty Prater
George Stewart
Eric Tout
Doug Wilson

Others Present

James Jennings, M.D.
Donetta Wolfe
Elizabeth Hornback
Ed Crews, R. Ph.
David Sangster, M.D.
Sean Maguire, M.D.
Tufan Senler, M.D.
Carmen Woolums, PA-C
Wes Faulkner, Esq.
William Devine, M.D.
Pam Wells, M.D.
J. Fox DeMoisey, Esq.
Sean Rogers, M.D.
Robert Middleton, M.D.
Brian Good, Esq.
Mike Nethers, M.D.
Robert Benvenuti, Esq.
Dennis Northrip, M.D.
Ben Fiechter, Esq.
Robert Baker, M.D.

Call to Order

The meeting of Panel A was called to order at 9:30 a.m. by the Chairman, C. William Briscoe, M.D.

Approval of Summary of Proceedings

Following a review of the November 19, 2009 Summary of Proceedings, a motion was made by Justice Graves that they be approved. Seconded by Dr. Buser, the motion carried.

Disciplinary Cases – Final Actions

Stephen D. Burton, M.D., License #30716

The Panel is asked to resolve this case, without an evidentiary hearing, by entering into the proposed Agreed Order of Surrender. Panel members reviewed a Memorandum from Mr. Lloyd Vest, General Counsel, the Second Amended Complaint and a draft of the proposed Agreed Order of Surrender. Dr. Burton's attorney was present.

Action: Following discussion, Dr. Hacker made a motion to accept the proposed Agreed Order of Surrender as submitted. Seconded by Buser, the motion carried.

Disciplinary Cases – Requests for Modification

Robert S. Baker, M.D., License # 18933

At the Panel's request, Dr. Baker entered into an Agreed Order of Surrender, in lieu of revocation, on June 12, 2006. On August 28, 2008 the Panel reinstated Dr. Baker's ability to practice medicine under an Agreed Order. Dr. Baker asks that the Panel terminate his Agreed Order. The Panel reviewed a Memorandum from Mr. Lloyd Vest, General Counsel, Dr. Baker's Agreed Order, a Board consultant's findings and a Compliance Inspection Report. Dr. Baker was in attendance.

Action: After review, a motion was made by Dr. Buser to grant Dr. Baker's request and terminate his Agreed Order. Seconded by Justice Graves, the motion carried.

Travis N. Calhoun, M.D., License # 27306

Dr. Calhoun entered into an Agreed Order of Indefinite Restriction on July 21, 2005, and is requesting that it be terminated. A Memorandum from Ms. Leanne Diakov, Assistant General Counsel, was reviewed along with Dr. Calhoun's Agreed Order of Indefinite Restriction and two Compliance Inspection Reports.

Action: Following discussion, Dr. Hacker made a motion to approve Dr. Calhoun's request and terminate his Agreed Order of Indefinite Restriction. Seconded by Dr. Buser, the motion carried.

Patrick M. Jarvis, M.D., License # 34908

Dr. Jarvis is requesting that the Panel terminate the Agreed Order he entered into on September 9, 2008. The Panel reviewed a Memorandum from Ms. Leanne Diakov, the Agreed Order, communication from Dr. James Jennings and two Compliance Inspection Reports. Dr. Jennings was in attendance and addressed the Panel.

Action: Upon consideration, Dr. Hacker moved to grant Dr. Jarvis' request and terminate his Agreed Order. Seconded by Justice Graves, the motion carried.

Sean M. Maguire, M.D., License # 28821

On June 11, 2009 Dr. Maguire entered into a Third Amended Agreed Order of Indefinite Restriction. He is requesting that it be modified. A Memorandum from Mr. Lloyd Vest was reviewed by the Panel along with Dr. Maguire's Third Amended Agreed Order of Indefinite Restriction, a letter of support from his mentor, three Board Compliance Inspection Reports, compliance reports from his place of employment and correspondence from Dr. James Jennings. Dr. Maguire and Dr. Jennings addressed the Panel. Dr. Maguire's attorney was also in attendance.

Action: After review, a motion was made by Dr. Buser grant Dr. Maguire's request and amend his Third Amended Agreed Order of Indefinite Restriction. Seconded by Justice Graves, the motion carried. Terms and conditions were provided to General Counsel.

Michael A. McClurg, M.D., License # 37320

Dr. McClurg entered into an Agreed Order on June 18, 2007, and he is requesting that it be terminated. Panel members reviewed a Memorandum from Ms. Leanne Diakov, Dr. McClurg's Agreed Order, three Compliance Inspection Reports and a letter from Dr. James Jennings who was in attendance and addressed the Panel.

Action: Following discussion, Dr. Hacker moved to grant Dr. McClurg's request to terminate his Agreed Order contingent upon our receipt of a compliance report from his supervisor. Seconded by Justice Graves, the motion carried.

Robert J. Middleton, M.D., License # 30608

On June 18, 2009 Dr. Middleton entered into an Agreed Order of Indefinite Restriction. The Panel is asked to modify the Agreed Order of Indefinite Restriction and amend the title to Agreed Order. A Memorandum from Mr. Lloyd Vest was reviewed along with the Agreed Order of Indefinite Restriction, the CPEP Education Plan and Assessment Report and a draft of the Agreed Order. Dr. Middleton's attorney was present and addressed the Panel members.

Action: After review, a motion was made by Dr. Hacker to grant Dr. Middleton's request to modify his Agreed Order of Indefinite Restriction and accept the Agreed Order as submitted. Seconded by Justice Graves, the motion carried.

Dennis R. Northrip, M.D., License # 23287

Dr. Northrip entered into an Amended Agreed Order on June 8, 2009. He is requesting that the practice location approval recommendation be amended. Panel members reviewed a Memorandum from Ms. Leanne Diakov, the Amended Agreed Order, two Compliance Inspection Reports, correspondence from The Pain Treatment Center and a letter from Dr. James Jennings who was present and addressed the Panel. Dr. Northrip was also in attendance and addressed the Panel.

Action: Upon discussion, Dr. Hacker made a motion to grant Dr. Northrip's request and modify his Amended Agreed Order. Seconded by Justice Graves, the motion carried. Terms and conditions were provided to General Counsel.

Sean M. Rogers, M.D., License # 41322

On October 7, 2009 Dr. Rogers entered into a Fifth Amended Agreed Order of Indefinite Restriction. He is requesting that certain terms of that Order be modified and that it be changed to an Agreed Order. A Memorandum from Ms. Leanne Diakov was reviewed along with Dr. Rogers' Fifth Amended Agreed Order of Indefinite Restriction, letters from The Pain Treatment Center and MESA, two Compliance Inspection Reports and correspondence from Dr. James Jennings who was in attendance and addressed the Panel members. Dr. Rogers and his attorney were also present and addressed the Panel.

Action: After consideration, a motion was made by Dr. Buser to grant Dr. Rogers' request for modifications to his Fifth Amended Agreed Order of Indefinite Restriction and change its title to Agreed Order. Seconded by Justice Graves, the motion carried. Terms and conditions were provided to General Counsel.

Tufan I. Senler, M.D., License # 29459

Dr. Senler entered into an Agreed Order of Indefinite Restriction on August 21, 2008, which prohibited him from practicing medicine until he completed a CPEP assessment. He is now requesting the reinstatement of his medical license. Panel members reviewed a Memorandum from Mr. Lloyd Vest, the Agreed Order of Indefinite Restriction, confirmation of completion of a prescribing course and a CPEP Assessment Report. Dr. Senler and his attorney were present and addressed the Panel.

Action: Following review of the information, Dr. Hacker moved to reinstate Dr. Senler's medical license provided he enters into an Amended Agreed Order of Indefinite Restriction. Seconded by Dr. Buser, the motion carried. Terms and conditions were provided to General Counsel.

Pamela A. Wells, M.D., License # 35309

On December 17, 2009 Dr. Wells entered into a Fourth Amended Agreed Order of Indefinite Restriction. She is requesting its termination. The Panel reviewed a Memorandum from Mr. Lloyd Vest, Dr. Wells' Fourth Amended Agreed Order of Indefinite Restriction, two Compliance Inspection Reports and correspondence from Dr. James Jennings who was in attendance and addressed the Panel. Dr. Wells was also present.

Action: Upon discussion, Dr. Hacker made a motion to grant Dr. Wells' request and terminate her Fourth Amended Agreed Order of Indefinite Restriction. Seconded by Justice Graves, the motion carried.

Applications for Renewal/Reregistration (None)

Executive Session

A motion was made by Dr. Buser and seconded by Justice Graves that the Panel should enter into Executive Session in order to discuss and deliberate upon:

matters currently in litigation;
pending investigations that may result in litigation;
applications involving confidential treatment records.

The specific statutory sections providing exemptions are 61.810(1)(c), 61.810(1)(j), 61.810(1)(k), 61.878(1)(a), 61.878(1)(h) and 311.619. Motion carried.

Kentucky Physicians Health Foundation

William G. Devine, M.D., License # 35368

It was reported that on June 14, 2009 Dr. Devine entered treatment for drug abuse/dependency. He subsequently signed an Interim Agreed Order (Treatment) on September 3, 2009. He successfully completed his treatment experience on October 2, 2009. He is now requesting termination of that Order so he can resume practice under an appropriate form of supervision. A Memorandum from Mr. Lloyd Vest was reviewed along with an Investigative Report from Mr. Eric Tout, Dr. Devine's Interim Agreed Order (Treatment), an Assessment Report and Discharge Summary from Bradford, a response from Dr. Devine and communication from Dr. Jennings who was present and addressed the Panel. Dr. Devine was also in attendance.

Action: Following discussion, a motion was made by Dr. Hacker to grant Dr. Devine's request and terminate his Interim Agreed Order (Treatment) provided he enters into an Agreed Order of Indefinite Restriction. Seconded by Justice Graves, the motion carried. Terms and conditions were provided to General Counsel.

Carmen L. Woolums, PA-C, License # PA286

The Board was notified that Ms. Woolums entered treatment for drug abuse/dependency on July 7, 2009. She entered into an Interim Agreed Order (Treatment) on August 26, 2009, and she successfully completed treatment on September 29, 2009. The Panel is asked to allow her to resume practice as a Physician's Assistant. Panel members reviewed a Memorandum from Mr. Lloyd Vest, an Investigative Report from Mr. Eric Tout, Board Investigator, Ms. Woolums' Interim Agreed Order (Treatment), the Discharge Summary from Bradford, a response from Ms. Woolums and correspondence from Dr. James Jennings who was in attendance and addressed the Panel. Ms. Woolums was also in attendance.

Action: After consideration, Dr. Hacker made a motion to grant Ms. Woolums' request to terminate her Interim Agreed Order (Diversion) provided she enters into an Agreed Order. Seconded by Dr. Buser, the motion carried. Terms and conditions were provided to General Counsel.

Old Cases

Muhammed R. Akhtar, M.D., License # 20399

Panel A reviewed this malpractice case regarding Dr. Akhtar at their meeting on May 21, 2009 and directed a review of 10 additional charts by a Board consultant. An Investigative Report from Mr. Eric Tout was reviewed along with the Board consultant's findings and a response from Dr. Akhtar.

Action: Following discussion, a motion as made by Dr. Buser to ask Dr. Akhtar to enter into an Agreed Order, and if he refuses, to file a Complaint. Seconded by Dr. Hacker, the motion carried. Terms and conditions were provided to General Counsel.

Randall S. Brown, M.D., License # 18596

This case was previously reviewed by the Panel in November 2009 at which time a Complaint and Emergency Order of Suspension was issued. Following the Board consultant's decision not to testify, the Complaint and Emergency Order of Suspension were withdrawn. Another Board consultant review was obtained and is being presented to the Panel for their consideration. Panel members reviewed a Memorandum from Ms. Leanne Diakov, the Board consultant's findings and Dr. Brown's response. Dr. Brown's attorney addressed the Panel members.

Action: After review, Justice Graves moved to issue a Complaint and Emergency Order of Suspension. Seconded by Dr. Hacker, the motion carried.

Liza Levy, M.D., License # 20789

This is an old case involving a grievance filed against Dr. Levy alleging that she breeched ethical lines when she loaned money to a patient for a DUI charge and gave him bad advice on his court appearance. The Panel reviewed a report from Mr. Eric Tout, a Board consultant's report and a response from Dr. Levy.

Action: After review, a motion was made by Dr. Hacker that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Dr. Buser, the motion carried.

M. Diane McElheney, M.D., License # 15149

This is an old case in which Dr. McElheney has asked the Panel to reconsider the Letter of Concern that was issued to her by Panel A on November 19, 2009. The Panel reviewed a Memorandum from Mr. Mike Rodman, the Letter of Concern and a letter from Dr. McElheney.

Action: Following discussion, a motion was made by Dr. Hacker to withdraw the Letter of Concern. Seconded by Justice Graves, the motion carried.

Michael S. Nethers, M.D., License # 27334

The Panel reviewed this case at its May 2009 meeting and voted to issue a Complaint, which was filed of record on June 17, 2009. The Panel is asked to determine whether it wishes to amend the existing Complaint to add additional charges. A Memorandum from Mr. Lloyd Vest was reviewed by the Panel along with an Investigative Report from Mr. George Stewart, Board Investigator, the Complaint, a draft of an Agreed Order, two Board consultants' findings and a response from Dr. Nethers.

Action: Upon consideration, Dr. Buser made a motion not to amend the Complaint and proceed with the case. Seconded by Dr. Hacker, the motion carried.

New Cases – Investigated

Rajanbhai R. Amin, M.D., License # 19340; James H. Hamilton, M.D., License # 21663; Shehnaz Mohsin, M.D., License 41366; Donald Schwartz, M.D., License # 15176; Melissa A. Thomas, PA-C, License # PA1072

This is a new case filed against the above physicians and physician assistant alleging that they overprescribed controlled substances to a patient. The Panel reviewed an Investigative Report from Ms. Betty Prater, responses from Dr. Hamilton and Dr. Amin and a Board consultant's findings.

Action: Following review, Dr. Hacker made a motion that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Justice Graves, the motion carried.

George E. Burnette, M.D., License # 20414

A grievance was filed against Dr. Burnette alleging his substance abuse and inappropriate prescribing of controlled substances. An Investigative Report from Ms. Bonnie Moore, Board Investigator, was reviewed along with a Board consultant's findings, a response from Dr. Burnette and a letter from Dr. James Jennings.

Action: Following consideration, Dr. Buser moved that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Dr. Hacker, the motion carried.

Mohammad S. Chaudhry, M.D., License # 18888

An investigation was conducted into a grievance filed against Dr. Chaudhry alleging his inappropriate billing practices. Panel members reviewed an Investigative Report from Ms. Bonnie Moore, a response from Dr. Chaudhry and a Board consultant's report.

Action: After review, Dr. Hacker made a motion that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Dr. Buser, the motion carried.

Anita F. Cornett, M.D., License # 27472

This is a new case regarding a complaint against Dr. Cornett concerning her prescribing practices. The Panel reviewed an Investigative Report from Ms. Bonnie Moore, a Board consultant's findings and a response from Dr. Cornett.

Action: Upon discussion, a motion was made by Dr. Buser that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Justice Graves, the motion carried.

Thomas C. Crain, M.D., License # 28770

A complaint was filed against Dr. Crain alleging that he prescribed Hydrocodone to a patient who was addicted to pain medication. An Investigative Report from Ms. Betty Prater, Board Investigator, was reviewed by the Panel along with a Board consultant's findings and a response from Dr. Crain.

Action: After review, Justice Graves moved that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Dr. Buser, the motion carried.

Miriam L. David, M.D., License # 23321

An investigation was conducted into allegations that Dr. David was overprescribing controlled substances to a patient. The Panel reviewed an Investigative Report from Ms. Bonnie Moore, a response from Dr. David and a Board consultant's report.

Action: Upon consideration, a motion was made by Justice Graves that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Dr. Buser, the motion carried.

Dharapuram K. Gopinath, M.D., License # 18313

A grievance was received against Dr. Gopinath regarding unsanitary and unsafe environment conditions in his office. Panel members reviewed an Investigative Report from Ms. Betty Prater, several Passport Office Review Surveys, correspondence from Passport to Dr. Gopinath and a Letter of Final Resolution from Passport.

Action: Following discussion, Dr. Buser moved that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Dr. Hacker, the motion carried.

Talmadge V. Hays, M.D., License # 14797

A complaint was filed against Dr. Hays concerning his overprescribing of controlled substances. The Panel reviewed an Investigative Report from Ms. Bonnie Moore, a Board consultant's report and a response from Dr. Hays.

Action: Upon consideration, Justice Graves made a motion that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Dr. Buser, the motion carried.

James H. Heaphy, M.D., License # 26270

A grievance was received from a patient of Dr. Heaphy's who claims that Dr. Heaphy failed to provide a copy of the patient's medical records. An Investigative Report from Mr. Eric Tout, Board Investigator, was reviewed along with the grievance.

Action: After discussion, a motion was made by Dr. Buser that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Justice Graves, the motion carried.

George F. Hromyak, M.D., License # 15589

This is a new case concerning an adverse action report submitted to the National Practitioner Data Bank against Dr. Hromyak by Frankfort Regional Medical Center

concerning his suspended CT interpretation privileges. An Investigative Report from Ms. Betty Prater was reviewed by the Panel members along with the NPDB adverse action report, a response from Dr. Hromyak and a Board consultant's findings.

Action: Upon review, Justice Graves moved that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Dr. Hacker, the motion carried.

Jackie D. Maxey, M.D., License # 35548

A grievance was filed against Dr. Maxey alleging that his patients are subject to an inappropriate number of pelvic exams and pap smears. Panel members reviewed an Investigative Report from Mr. Doug Wilson, Board Investigator, two Board consultants' findings, a response from Dr. Maxey and responses from Dr. Maxey's employees.

Action: Following consideration, a motion was made by Dr. Hacker to file a Complaint and Emergency Order of Restriction and order a psychiatric evaluation. Seconded by Justice Graves, the motion carried.

Timothy G. Price, M.D., License # 26772; Jon W. Miller, M.D., License # 18436; Melissa A. Welch, M.D., License # 30509; Diane W. Sehlinger, M.D., License # 28061; Gina C. Wilkins, M.D., License # 33258; Terry T. Brown, M.D., License # 38325

An investigation was conducted into a complaint filed against the above physicians alleging that they failed to provide quality care to a patient. An Investigative Report from Ms. Betty Prater was reviewed by the Panel along with responses from the physicians and a Board consultant's findings.

Action: After discussion, Dr. Buser moved that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Dr. Hacker, the motion carried.

Chandra D. Reddy, M.D., License # 32087

A grievance was filed by two female patients against Dr. Reddy alleging inappropriate comments/touching. The Panel reviewed an Investigative Report from Mr. Doug Wilson, a Board consultant's findings and a response from Dr. Reddy.

Action: Upon review, Justice Graves made a motion to ask Dr. Reddy to enter into an Agreed Order, and if he refuses, to file a Complaint. Seconded by Dr. Hacker, the motion carried. Terms and conditions were provided to General Counsel.

Ghassan Shakhshiro, M.D., License # 35630

This is a new case concerning a complaint filed against Dr. Shakhshiro alleging that he refused to provide care to a patient. An Investigative Report from Ms. Bonnie Moore

was reviewed along with a response from Dr. Shakhashiro and a Board consultant's report.

Action: Following consideration, Dr. Hacker moved that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Dr. Buser, the motion carried.

Thomas E. Sonnanstine, M.D., License # 38960

A complaint was filed against Dr. Sonnanstine alleging that he failed to provide quality care and did not consult the patient's primary care physician prior to performing her surgery. Panel members reviewed an Investigative Report from Mr. Eric Tout, a response from Dr. Sonnanstine and a Board consultant's report.

Action: Upon discussion, a motion was made by Dr. Buser that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Justice Graves, the motion carried.

Periyakaruppan Vellayan, M.D., License # 20552

An investigation was conducted into a complaint filed against Dr. Vellayan concerning the fact that he was prescribing controlled substances to family members without maintaining any medical records. An Investigative Report from Mr. Eric Tout was reviewed along with a response from Dr. Vellayan and a Board consultant's findings.

Action: Following review, Justice Graves moved to ask Dr. Vellayan to enter into an Agreed Order, and if he refuses, to file a Complaint. Seconded by Dr. Buser, the motion carried. Terms and conditions were provided to General Counsel.

Rao H. Vempaty, M.D., License # 21037

This new case involves a grievance filed against Dr. Vempaty alleging that he performed surgery on a patient without her consent. The Panel reviewed an Investigative Report from Ms. Bonnie Moore, a Board consultant's report and Dr. Vempaty's response.

Action: Following consideration, Dr. Buser moved that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Dr. Hacker, the motion carried.

Mark A. Wallingford, M.D., License # 24430

A grievance was filed against Dr. Wallingford alleging that he failed to provide quality care by discontinuing a patient's insulin, which resulted in his death. An Investigative Report from Mr. Eric Tout was reviewed along with a response from Dr. Wallingford and a Board consultant's findings.

Action: After discussion, Dr. Hacker moved that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Justice Graves, the motion carried.

New Cases – Not Investigated

Ayryn P. Chilton-Gelfo, PA-C, License # PA805

A patient filed a grievance against Ms. Chilton-Gelfo alleging that she was unprofessional to him. The grievance and a response from Ms. Chilton-Gelfo were reviewed by the Panel.

Action: Upon review, a motion was made by Justice Graves to send Ms. Chilton-Gelfo a Letter of Concern. Seconded by Dr. Hacker, the motion carried.

Ronald J. Everson, M.D., License # 29510

A complaint was filed by an inmate against Dr. Evenson alleging that he failed to provide quality care. The grievance and a response from Dr. Haas, Medical Director for the Department of Corrections, were reviewed by the Panel.

Action: After consideration, Dr. Hacker made a motion that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Justice Graves, the motion carried.

Mark O. Gladstein, M.D., License # 14454

A grievance was filed against Dr. Gladstein by a patient who alleges his inappropriate conduct during her physical examination. The grievance and a response from Dr. Gladstein were reviewed by Panel members.

Action: Following discussion, Justice Graves moved to send Dr. Gladstein a Letter of Concern. Seconded by Dr. Hacker, the motion carried.

Robert P. Granacher, M.D., License # 16988

A patient filed a complaint against Dr. Granacher alleging that he was given medication prescribed by Dr. Granacher against his will. The Panel reviewed the grievance and Dr. Granacher's response.

Action: Upon review, a motion was made by Dr. Hacker that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. He further moved to open an investigation on the grievant, Robert J. Eardley, M.D. Seconded by Justice Graves, the motion carried.

Steve B. Hiland, M.D., License # 16790

An inmate filed a grievance against Dr. Hiland alleging that he failed to provide quality care. Panel members reviewed the inmate's grievance and a response from Dr. Haas, Medical Director of Kentucky Department of Corrections.

Action: Following consideration, Dr. Buser moved that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Justice Graves, the motion carried.

Steve B. Hiland, M.D., License # 16790

A second complaint was filed against Dr. Hiland by an inmate who also alleged that he was not provided with quality care. The grievance and a response from Dr. Hiland were reviewed.

Action: Following consideration, Dr. Hacker moved to open an investigation into this case. Seconded by Justice Graves, the motion carried.

Cheryl A. McClain, M.D., License # 32948

A patient filed a grievance against Dr. McClain claiming that her privacy was violated and that she was disrespected during an office visit. The grievance and Dr. McClain's response were reviewed by the Panel.

Action: After discussion, Dr. Hacker made a motion to send Dr. McClain and Letter of Concern. Seconded by Justice Graves, the motion carried.

Wayne B. Tuckson, M.D., License # 30849

A complaint was filed against Dr. Tuckson by a patient who claimed that Dr. Tuckson was rude and unprofessional to him. The Panel reviewed the grievance and Dr. Tuckson's response.

Action: Following review, a motion was made by Justice Graves to send Dr. Tuckson a Letter of Concern. Seconded by Dr. Hacker, the motion carried.

Richard S. Wilson, M.D., License # 41142

A grievance was filed against Dr. Wilson alleging that his failure to provide appropriate treatment led to the grievant's father's death. The grievance and a response from Dr. Wilson were reviewed by the Panel.

Action: Upon review, Dr. Briscoe moved to open an investigation into this case to include a consultant's review. Seconded by Justice Graves, the motion carried.

Actions in Other States (None)

Malpractice Settlements/Judgments

Information concerning the following physicians was presented to the Panel as a result of malpractice settlements or judgments made against them in excess of \$250,000.

Aubrey L. Armstrong, M.D., License # 17540

This malpractice case was reviewed by a Board member, and it was recommended that this case be reviewed by a consultant specializing in Emergency Medicine. An Investigative Report from Mr. George Stewart, Board Investigator, was reviewed by the Panel along with a Board consultant's findings and a response from Dr. Armstrong.

Action: After discussion, a motion was made by Dr. Hacker to pull an additional 10 charts to be reviewed by a Board consultant. Seconded by Justice Graves, the motion carried.

James M. Craven, M.D., License # 25633

Upon review of a malpractice settlement, it was requested that this case be reviewed by a consultant specializing in Otolaryngology. Panel members reviewed an investigative report from Mr. Eric Tout, a response from Dr. Craven, the findings of a Board consultant and Dr. Craven's response to the consultant's report.

Action: Following review, Dr. Hacker made a motion to pull an additional 10 charts to be reviewed by a Board consultant. Seconded by Justice Graves, the motion carried.

Pursuant to Board policy, members of the Panel reviewed the following malpractice cases previously reviewed by two Board members who had recommended no action:

Charles V. Abler, D.O.
Ryan C. Geddes, D.O.
John T. Mahan, M.D.
Eduardo Martinez, M.D.
Daniel B. Ray, M.D.
Bruce A. Wolf, M.D.

Following a review of these cases, a motion was made by Justice Graves that no further action was necessary and these cases be closed. Seconded by Dr. Hacker, the motion carried.

Other Items (None)

Date of Next Meeting

The next Panel A meeting is scheduled for May 20, 2010.

Adjournment

There being no further business open for discussion, a motion was made by Dr. Buser that the meeting be adjourned at 1:00 pm. Seconded by Dr. Hacker, the motion carried.

The following cases are exempt from open records pursuant to KRS 311.619.

Requests for Modification

Patrick M. Jarvis, M.D., License # 34908

Dr. Jarvis is requesting that the Panel terminate the Agreed Order he entered into on September 9, 2008. The Panel reviewed a Memorandum from Ms. Leanne Diakov, the Agreed Order, communication from Dr. James Jennings and two Compliance Inspection Reports. Dr. Jennings was in attendance and addressed the Panel.

Action: Upon consideration, Dr. Hacker moved to grant Dr. Jarvis' request and terminate his Agreed Order provided he enters into a one-year Letter of Agreement. Seconded by Justice Graves, the motion carried. Terms and conditions were provided to General Counsel.

Michael A. McClurg, M.D., License # 37320

Dr. McClurg entered into an Agreed Order on June 18, 2007, and he is requesting that it be terminated. Panel members reviewed a Memorandum from Ms. Leanne Diakov, Dr. McClurg's Agreed Order, three Compliance Inspection Reports and a letter from Dr. James Jennings who was in attendance and addressed the Panel.

Action: Following discussion, Dr. Hacker moved to grant Dr. McClurg's request to terminate his Agreed Order contingent upon his entering into a Letter of Agreement and obtaining a compliance report from his supervisor. Seconded by Justice Graves, the motion carried.

Pamela A. Wells, M.D., License # 35309

On December 17, 2009 Dr. Wells entered into a Fourth Amended Agreed Order of Indefinite Restriction. She is requesting its termination. The Panel reviewed a Memorandum from Mr. Lloyd Vest, Dr. Wells' Fourth Amended Agreed Order of Indefinite Restriction, two Compliance Inspection Reports and correspondence from Dr. James Jennings who was in attendance and addressed the Panel. Dr. Wells was also present.

Action: Upon discussion, Dr. Hacker made a motion to grant Dr. Wells' request and terminate her Fourth Amended Agreed Order of Indefinite Restriction provided she enters into a Letter of Agreement. Seconded by Justice Graves, the motion carried. Terms and conditions were provided to General Counsel.

Non-Compliance Cases

Chaisak Pengvanich, M.D., License # 17517

On April 28, 2009 Dr. Pengvanich entered into an Interim Agreed Order (Diversion), and he is in violation of the stipulations of that Order. The Panel reviewed an Investigative Report from Ms. Betty Prater, Board Investigator, the Interim Agreed Order (Diversion), a CPEP Assessment Report, correspondence from CPEP to Dr. Pengvanich and a response from his attorney indicating that remedial action has been taken to bring Dr. Pengvanich into compliance. Dr. Pengvanich and his attorney were in attendance and addressed the Panel members.

Action: After review, a motion was made by Dr. Buser that no further action is needed at this time. Seconded by Dr. Hacker, the motion carried.

Old Cases

Liza Levy, M.D., License # 20789

On March 18, 2008 Dr. Levy entered into an Interim Agreed Order (Diversion). She is requesting that this order be terminated. An Investigative Report from Mr. Eric Tout was reviewed along with the Interim Agreed Order (Diversion), a final report from CPEP, a Board consultant's findings and a Compliance Inspection Report.

Action: After review, a motion was made by Dr. Hacker to terminate Dr. Levy's Interim Agreed Order (Diversion). Seconded by Dr. Buser, the motion carried.

New Cases - Investigated

Ronald J. Hamm, M.D., License # 19296

This is a new case involving a complaint against Dr. Hamm alleging several record-keeping discrepancies. The Panel reviewed an Investigative Report from Ms. Betty Prater, information from DEA, a response from Dr. Hamm and a Board consultant's findings. Dr. Hamm and his attorney were in attendance and addressed the Panel.

Action: After review, Dr. Hacker moved to ask Dr. Hamm to enter into an Interim Agreed Order (Diversion). Seconded by Justice Graves, the motion carried. Terms and conditions were provided to General Counsel.